1875.

NEW ZEALAND.

REPORT OF COMMISSIONER OF NATIVE RESERVES.

Presented to both Houses of the General Assembly by Command of His Excellency.

PROVINCE OF AUCKLAND.

Wellington, 30th June, 1875.

Waiuku Reserves.

On the confiscation, in 1865, of the West Waiuku block, the loyal Natives there resident were promised that their villages, cultivations, and burial-places should be returned to them, surveyed and under Crown grant. The block taken consisted of 47,030 acres, of which, in fulfilment of the promise, 6,614 acres 3 roods and 35 perches were subsequently granted to them in thirty-six Crown grants. An Act, entitled "The Friendly Natives' Contracts Confirmation Act, 1866," was passed to legalize the arrangement. The grants were generally made out to six or seven of the chiefs, in trust for their tribes. Some of the grants conveyed the land absolutely, whilst others had varying restrictions on the power to sell, mortgage, and let. It soon, however, appeared that the original rights and holdings had been of a much more complex nature than was estimated. The trusts specified in the grants were in some cases inappropriate, and in others the Natives interested beneficially would not recognize the Maori trustees as the fitting persons to have control over their lands. Further, the trustees in several instances misapprehended their position, assumed the rights of absolute owners, and misused their trust. It was asserted by the inferior people that the chiefs let the grazing on the tribal estate, and gave no account of the rents. They sold to the neighbouring settlers the valuable Puriri timber that was necessary for fencing the native cultivations, and yielded no account of the proceeds. Emissaries from the King country from time to time fostered the discontent that resulted from these irregularities.

Various and earnest attempts were made to remedy these evils, but without success. At one time the trustees would not, from jealousy, agree to a re-arrangement; at another, having found that they could not profitably manage the properties, they consented to hand them over to European trustees, but quarrelled over the scheme of partition of the prospective rents. They would consent to get rid of the responsibility of the trusts, but not to surrender the undue advantages which their hold of the land gave them.

This bad state of things reacted on the condition of the people generally; the young men would not, with any heart, clear or cultivate land that was not secured at least to the head of the family, nor defined from that of the tribe by an intelligible boundary: they grew listless, idle,

and intemperate.

I received, Sir, your instructions, in February last, to endeavour to arrange a plan by which the lands so involved might be allocated, and secured to the proper owners, and the dissatisfaction terminated. The way was cleared for my work by your having, while at the Waikato, succeeded in inducing the chiefs Aihepene Kaihau (who had married the King's sister) and Hori Tauroa

to leave the King country and return to their people at Waiuku.

I met the chiefs and people at Waiuku on the 10th of March and three following days, and, after a careful inquiry into their respective claims and rights, induced them to consent, unanimously, to a plan of allocation which appeared equitable and capable of being carried into effect. They had, from the first, been promised a survey of their several pieces, but a survey was useless whilst the chiefs monopolized the choicest land and the best timber. I, however, aided by Mr. Marshall and Mr. King, induced the chiefs to abandon their unreasonable claims, and agree to surrender their trusts, upon a scheme (carefully drawn out by Mr. Marshall) that specified the exact area to be given to each member of the tribe, chief or slave, adult or infant, and the locality, generally, where it should be laid out. Where individuals were alone, they were by this scheme to have separate grants; where a family desired to remain together, the aggregate area for its several members could be surveyed in one piece. Crown grants were to follow, with varying

restrictions, as fitting, upon alienability. The trustees (two absentees excepted) consented, in the presence of the tribe, to surrender their trusts, and signed a memorial (in Maori and English) asking for the plan of allocation to be carried out, and for legislative action to relieve them of their responsibility.

The work of dividing the estates into such minor holdings has been carried out by survey, under my own immediate superintendence; the Natives appear to be satisfied with the localities awarded to them, and have assisted in carrying out the scheme. An Act will be necessary to give effect to the arrangement, and legalise the surrender of the trusts and the issue of new grants.

Tauranga.

Lots 3 and 4, section 2, of the Town of Tauranga, have been let on lease to Mr. Thomas Corbett for a term of 21 years, at the following rental, viz.:—£5 per annum for first seven years; £10 per annum for second seven years; and £15 per annum for remainder of the term. They contain about 1 rood each.

The lots Nos. 45 and 163, section No. 1, in the Town of Tauranga, have been set apart as reserves for general Native purposes.

Onehunga.

A lease for a term of 21 years has been executed to Mr. J. Roe for subdivisions Nos. 1, 2, 5, and 6, of lot 12, section 20, Town of Onehunga, at a rental of £14 a year. These lots had been previously in the occupation, with promise of a lease to his father, Mr. M. Roe, who desired the transfer.

Remuera.

The lots Nos. 75 and 98 of section 16, Remuera, have been conveyed to the heirs of Ihaka Takaanini. They were purchased with funds, the property of that chief, previous to his decease. The sum of £4 16s. 5d., paid in 1871-2, for rates on this land, has been recovered from the trustees of the estate.

The northern portion of lot 53 of section 16, at Remuera, containing 5 acres, was purchased in 1857 by the Government for the late chief Patene Puhata, of Waiheke; the sum of £90 being advanced for the purpose.

This money has not been repaid. The land being unproductive and chargeable with assessment rates, it has been considered proper to sell it and close the account. The property has, accordingly, been sold to Mr. T. Morrin for the sum of £135, less agent's commission of £3 7s. 6d. The sum of £90, with £1 13s., paid for rates, is thus recovered, and the balance, amounting to £39 19s. 6d., will be payable to Patene's heirs.

PROVINCE OF WELLINGTON.

In conformity with an old existing promise, the Native reserve IV., on east side of Porirua Harbour, comprising 382 acres, has been conveyed to Hon. Wi Parata and Ngahuka Tungia. This land, originally belonging to those chiefs, was brought in 1866 under the provisions of "The Native Reserves Act, 1856," and has been ever since managed by the Commissioner of Native Reserves. About four years since it was shown that the Natives, in handing this land over, did not understand the effect of their act; it was therefore determined to return the land to the original owners, which has thus been done.

Komangatawhiri, Porirua.

A long outstanding dispute about this reserve at Porirua has been decided in the following manner, viz.:—

That of the annual rental of £50, Wi Katene, of Nelson, should receive the current instalment of £25, no deduction being made for survey expenses, but that from all future half-year instalments £10 should be kept back by the Commissioner of Native Reserves, and placed to a "separate survey account," until the cost—about £120—for survey is covered. Also that the Ngatitoa tribe shall always receive the January net instalment, and the Ngatitama tribe the July net instalment. £25 was paid to Wi Katene, with the approval of all interested.

Omaroro.

No. 16, Town Belt, Wellington.

Mr. J. F. E. Wright, the tenant, had, in virtue of a purchasing clause in his lease, deposited (in bank) the sum of £700 for the freehold of his farm, containing 146½ acres, as above. The question of actual ownership was referred by the Commissioner of Native Reserves to the Native Land Court; and upon the decision of that Court in favour of Hemi Parai and the Hon. Wi Tako being given, the money was handed to those chiefs, who conveyed the land to Mr. Wright. This was a "McCleverty" reserve, a class which the Natives have uncontrolled power over.

Hutt Valley.

Part of Subdivision No. 8 of section 20, Te Momi, was purchased by me 29th January, 1875, for the Crown, for purposes connected with the Wellington and Masterton Railroad, from Komene Paipa and Patara Rangiatea. It contained 1a. 3r. 8p.; price, £63 5s. 10d. This was also a "McCleverty" reserve.

Mungaroa, Hutt.

Section No. 132, Mungaroa, containing about 100 acres, has been let by tender for 21 years to Mr. Cruikshank, at £10 per annum.

Pakuratahi, Upper Hutt.

The sections Nos. 3, 4, and 7, containing about 335 acres, have been let by tender to the following persons, viz. :-

Section No. 3, to H. Whightman and J. Sennex, for the term of 21 years, at £30 a year;

tenants to clear 50 acres of land.

Section No. 4, to J. Sennex, for 21 years, at £50 a year for the first ten (10) years, and an increase of £20 a year for remainder of term; tenant to clear 80 acres.

Section No. 7, to H. Whightman, for 21 years, at £50 a year for the first ten (10) years, and £80 a year for remainder of term; tenant to clear 80 acres.

Makara.

Five acres of section No. 22 have been let by Parata te Kiore, the Native beneficially interested, with the approval of the Commissioner of Native Reserves, to the Rev. J. B. Petit-Jean, for a Roman Catholic church site, on a term of 21 years, at a rental of £1 a year.

A court of inquiry, consisting of the Commissioner of Native Reserves and the Hon. Wi Tako Ngatata, recommended that Pirinara Tutawhia should receive an inalienable grant for 60

acres in section 39, Makara. The recommendation has been approved.

In previous reports I have stated that the Wellington Natives have voluntarily intrusted to my management certain of their reserves at Polhill's Gully, Wellington City, and in other places. Of these I have this year let the following:—

Section No. 23, Aro Street, Te Aro, containing 1 acre, to Mr. Robert Lyon, for 21 years

from 1st January, 1874, at £15 a year.

Section 45, Te Aro, containing 1 acre, to Mr. Joe Dransfield, for 21 years from the 1st December, 1875, at £13 a year; this being an increase of £1 a year upon the old lease, which expires on the 30th November, 1875.

Section 49, Te Aro, containing 1 acre, to Mr. W. Cornor, for 21 years from 1st June, 1875, at a yearly rental of £14. The Natives beneficially interested have approved of each of these

The collective proceeds of all the Wellington lands so intrusted to me by the owners to let, I divide periodically amongst the people interested. I have induced the chiefs, who generally have other sources of income, to share alike with the inferior people in the division.

Manawatu.

The sections Nos. 203, 204, 205, 207, 209, 210, 211, 212, 213, 214, 228, 238, and 239, comprising 62 acres, in the suburbs of Palmerston, have been let by tender for 21 years to Mr. H. S. Palmerson, at a rental of £25 Os. 4d., first seven years; £32 12s. 7½d., second seven years; and £41 6s. 8d., third seven years. Half-year's rent in advance has been received.

Wanganui and West Coast.

Leases have been executed as follow in respect to lands let last year:—

									Ann	
Whenuakura	, Section	88,	130	acres,	J. Sheehan			£ 45	10	0
,,	,,	28,	95	,,	C. and D. Symes	• •		21	7	6
,,	,,	94,	70	,,	F. J. Stewart			19	5	0
Patea	,,	488,	29	,,	G. B. Worgan	• •		5	1	6
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During the last session of the General Assembly a petition was received from Mr. Charles Vincent, of Waiau, near Waitotara, the owner of a mill built on land held under a promise of a lease, in accordance with the prescribed Flax Regulations for confiscated lands. The petition stated that the growing flax upon which the mill depended had been improperly burned off by the

chief Major Kemp, and prayed redress.

I had the honor of receiving your directions to endeavour to settle the matter in an equitable manner. On inquiry on the ground it appeared that Kemp had been a principal owner of the Okotuku block, within which Waiau is situated; that, on the cession of the block, he had abstained from participating in the payment, and that in consideration of this, and in recognition of his military services, the Government had promised him a grant of 400 acres, to include an eel-fishing creek.

The Waiau Creek, with 600 acres on its margin, had been promised by Mr. Commissioner Pharazyn to Mr. Vincent, for a flax lease, and the latter had erected a mill and made other improvements thereon. At a subsequent period Mr. G. B. Worgan was intrusted by the Government with the allocation of the 400 acres to Kemp. The latter selected the Waiau Creek, and 400 out of the 600 acres allowed to Vincent. Mr. Worgan seems to have failed to make Kemp understand the relative positions which he and Vincent would have to each other during the currency of the latter's lease, or of the proportionate part of Vincent's rent which it would be proper for Kemp to receive. Kemp, after a time, found that the mill and dam were obstructive to the eel-fishing of his people, and, deriving no present benefit from Vincent, let his 400 acres to an adjacent settler for purposes of cultivation. In clearing the land, and possibly to oust Vincent, Kemp burnt off the flax from the 400 acres. Vincent complained that his means of subsistence were gone, and laid his damages at upwards of £9,000.

The case presented this difficulty—that there existed no other locality in the district where an eel-fishing creek could be secured for Kemp, and it appeared to be almost impossible for eelfishing and the mill operations to go on together. Further, whether Vincent or Kemp was the rightful occupant, some one—either Vincent or Kemp's tenant—would suffer an injury, and have to be compensated. On examining the ground, I found that the flax had not been so much destroyed as entirely to prevent work at the mill. This enabled me to claim for the damages to be proportionately reduced. Mr. Vincent admitted that, in the existing state of the market, flaxdressing, save for rope-making, would not pay, and I found that there was a sufficiency of the material still growing for this limited branch of the business. It became necessary, however, to give Vincent a right, in case of flax becoming again in demand, to cut the plant on some adjacent It was further arranged, with your approval, that he should receive the sum of Crown land. £164 2s. for his expenses in coming to the session, and for loss of time since the suspension of For the future he was, in respect to the 400 acres, to be considered the tenant of Kemp, that chief promising to protect him in the occupation of the land. The eel-fishing was to be arranged by mutual concession. This mode of arrangement still left the contingency of a claim by Kemp's tenant against him for breach of engagement in letting the land; but as it was questionable how far that letting was legal and valid, and the tenant ignorant of Vincent's holding, it was thought right to leave him to his remedy at law. Some difficulty occurred subsequently in finding other land conveniently situated for the supply of flax until the burnt plants were again grown, Vincent asserting that he could again fully work the mill to advantage. Eventually it was arranged that in full satisfaction of all demands against the Crown, Vincent should be allowed to purchase at £1 10s. an acre the section No. 415, at Okotuku, containing 350 acres. Legislative action will be necessary to legalize this.

ACCOUNTS.

Rents Received from 1st July, 1874, to 31st June, 1875, at Commissioner of Native Reserves' Office, Wellington.

RECEIPTS. 1874. Wellington. s. d. 1. McGrath, Aotea, Porirua, one year's Řent, due 31st December, 1874 ... 40 0 July 0 1. Mitchell, Polhill's Gully, back Rent 15 0 0 ,, 1. J. Fitchett, jun., Polhill's Gully, half-year's Rent, due 1st July, 1864 6 0 0 ,, 2. A. Wall, Porirua, half-year's Rent, due 30th June, 1874 250 0 ,, 14. J. Dransfield, Polhill's Gully, half-year's Rent, due 1st June, 1874 6 0 0 15. E. J. King, Porirua, half-year's Rent, due 13th July, 1874 30 0 0 . . ,, 25. J. E. Smith, Pipitea Street, half-year's Rent, due 1st July, 1874 1 10 0 1. W. France, Ohariu, quarter-year's Rent, due 1st June, 1874 4. A. Mackay, Wainui, half-year's Rent, due 1st July, 1874 Aug. 3 13 6 7 10 0 ,, 6 10 0 . . ,, 7 10 0 . . " 2215 0 . . ,, 10 13 9 19. F. J. Stewart, Whenuakura 9 12 6 ,, 19. G. B. Worgan, Patea, half-year's Rentals, all up to 12th February, 1875 2 10 9 " 5 18 $\mathbf{3}$ 19. F. S. McCarthy, Patea, half-year's Rent, up to 12th February, 1875 ,, 3 19. Messrs. Gane, Patea, half-year's Rent, up to 12th February, 1875 ,, 19. Messrs. Napier and Mitchell, Patea, half-year's Rent, up to 12th February, 1875 4 9 20. R. Bould, Ohariu, half-year's Rent, due 1st July, 1874 43 11 6 ٠. 7. E. J. King, Porirua, half-year's Rent, due 23rd August, 1874 6 0 0 Sept. ٠. 8. W. Cornor, Nairn Street, one year's Rent, due 26th August, 1874 0 12 0 " 17. C. Vincent, Waiau (Wairoa), two years' Rent, due 31st March, 1874 ... 0 0 " 22. E. Pearce, Pipitea Street, half-year's Rent, due 1st July, 1874 0 0 6. J. Fitchett, jun., Polhill's Gully, half-year's Rent, due 29th September, Oct. 0 5 10 16. C. Swiney, Te Aro, half-year's Rent, due 11th October, 1874 1 0 1 . . ,, J. Smith, Ohariu, half-year's Rent, due 18th October, 1874... 0 20 0 3. P. Trotter, Makara, on account to 1st November, 1874 Nov. 0 0 45 . . 13 W. France, Ohariu, quarter-year's Rent, due 1st October, 1874 3 6 Dec. 2. H. S. Palmerson, Palmerston North, half-year's Rent (in advance), due 12 10 1st December, 1875 4. Fisher and Whitehouse, Porirua, half-year's Rent, due 1st December,

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1.	10th	May, 1873, Nos. 1	and 2 wi	th No. 7	three lots	3		Price	275	0	0
		May, 1873, No. 8		••	••			"	70	0	0
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1874.		. , ,						•			
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7	These	e were "McCleverty	" retur	ns, not w	nder my co	ontrol.					
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					Total				£16	10	0
					Total	• •	• •	• •	2010	IU	•

I have not distrained for the above amount, as I believe it to be more wise, under the circumstances, to give time to the tenants for payment than to press them.

CHARLES HEAPHY, Commissioner of Native Reserves.

The Hon. the Native Minister.

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